

ED

**Notice of Allowability**

Application No.

10/686,802

Applicant(s)

DANDY, WALTER

Examiner

Victor K. Hwang

Art Unit

3764

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Office action mailed 4/2/07.
2. ☒ The allowed claim(s) is/are 1-6, 8, 10, 12-17, 19, 21 and 26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment ~~or in the Office action of~~  
~~Paper No./Mail Date \_\_\_\_\_.~~
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20070718</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                    |
|  | 9. <input type="checkbox"/> Other _____  |

KEVIN C. SIRMONS  
SUPERVISORY PATENT EXAMINER



### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Walter Dandy on July 2, 2007.

2. The application has been amended as follows:

**In the Specification:**

A) On the page that is numbered "Page 15" in the Specification filed June 3, 2004, line 9, replace "movable steering stem 124" with --movable handlebar steering stem 124--.

**In the Claims, replace all of claims 1-26 with the following complete listing:**

1. (Currently amended) An exercise apparatus for a person comprising:
  - a) a support frame configuration to define an interior cavity for accommodating the person in standing positions for walking or running on a support surface; and
  - b) an elastic suspension assembly coupled between the person and the frame for elastically supporting a portion of the person's weight upon bending of the person's knees during a walking or running motion;
  - c) a lost motion coupling device between a handlebar steering stem and frame to accommodate changes in the support surface and wind forces, said coupling including an

elastic loop surrounding the handlebar steering stem and frame defining the limits of relative movement therebetween; and

d) an adjustable magnetic coupling between the handlebar steering stem and frame.

2. (Original) The apparatus of claim 1, further including wheels on a bottom portion of the support frame for rolling on the support surface.

3. (Original) The apparatus of claim 2, including at least two wheels.

4. (Original) The apparatus of claim 1, wherein said support frame includes coupling members for attachment to said elastic suspension assembly.

5. (Original) The apparatus of claim 4, wherein said elastic suspension assembly includes a harness attachable to the person and springs connecting the harness to the coupling members on the frame.

6. (Original) The apparatus of claim 5, wherein the springs are elastic straps.

7. (Cancelled)

8. (Original) The apparatus of claim 2, further including a handlebar at a front end of the frame for grasping by the person.

9. (Cancelled)

10. (Original) The apparatus of claim 2, wherein the support surface is a roadway.

11. (Cancelled)

12. (Currently amended) A method of reducing stress on a jogger's knees, while performing a normal jogging motion and gait, comprising the steps of:

a) providing an exercise apparatus for the jogger including,

i) 1) a support frame configuration to define an interior cavity for accommodating the person in standing positions for walking or running on a support surface; and

ii) 2) an elastic suspension assembly coupled between the person and the frame for elastically supporting a portion of the person's weight upon bending of the person's knees during a walking or running motion;

iii) a lost motion coupling device between a handlebar steering stem and frame to accommodate changes in the support surface and wind forces, said

coupling including an elastic loop surrounding the handlebar steering stem and frame defining the limits of relative movement therebetween; and

iv) an adjustable magnetic coupling between the handlebar steering stem and frame;

- b) placing the jogger within the interior cavity of the support frame; and
- c) connecting the jogger to the suspension assembly.

13. (Original) The method of claim 12, further including wheels on a bottom portion of the support frame for rolling on the support surface.

14. (Original) The method of claim 12, including at least two wheels.

15. (Original) The method of claim 12, wherein said support frame includes coupling members for attachment to said elastic suspension assembly.

16. (Original) The method of claim 15, wherein said elastic suspension assembly includes a harness attachable to the person and springs connecting the harness to the coupling members on the frame.

17. (Original) The method of claim ~~16~~ 15, wherein the springs are elastic straps.

18. (Cancelled)

19. (Original) The method of claim 13, further including a handlebar at a front end of the frame for grasping by the person.

20. (Cancelled)

21. (Original) The method of claim 13, wherein the support surface is a roadway.

22-25. (Cancelled)

26. (Currently amended) The apparatus of claim 1 24, further including a water reservoir for damping steering oscillation.


3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Applicant is to provide Replacement Drawings, that are non-photographic, for each of the Figures. The Replacement Drawings may omit the text that accompanies the drawings, such as the text "Bicycle fork", "Trailing wheel", ... as found in Fig. 1. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor K. Hwang  
July 18, 2007

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SUPERVISORY PATENT EXAMINER

